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34. (twice amended) The method according to claim 31 wherein the magnetic tip of the guide wire comprises a plurality of magnets secured on a distal end section of the guide wire in spaced apart relation allowing the guide wire to assume a shape under control of the magnetic field.

REMARKS

Claims 1 through 40 are pending in this application. Claims 1, 2, 4-8, 10-14, 16-25, 27-32, and 34-40 are rejected. Claims 3, 9, 15, 26 and 33 are objected to. Applicants have amended claims 3-4, 9-10, 15-16, 26-27 and 33-34, resulting in the net addition of five independent claims. The Commissioner is respectfully requested to charge the fee for these claims to Deposit Account 080750. A duplicate copy of this Amendment is enclosed for that purpose.

Applicants sincerely appreciate Examiner's careful attention to the status of the application as discussed with Applicants' attorney by telephone on January 25, 2001. Applicants respectfully request reconsideration of the rejection of claims 1, 2, 4-8, 10-14, 16-25, 27-32, and 34-40, under 35 U.S.C. Section 102(e) as anticipated by, or alternatively under 35 U.S.C. Section 103(a) as obvious over Werp et al., U. S. Patent No. 5,931,818. As discussed with Examiner, Applicants have amended the application to claim priority of U. S. patent application Serial No. 08/969,165 filed November 12, 1997 which issued as U. S. Patent No. 5,931,818 but which was co-pending with this application.

Applicants therefore respectfully request that the rejection of claims 1, 2, 4-8, 10-14, 16-25, 27-32, and 34-40, under 35 U.S.C. Section 102(e) as anticipated by, or alternatively under 35 U.S.C. Section 103(a) as obvious over Werp et al., U. S. Patent No. 5,931,818 be withdrawn in view of the above described amendment made herein.

Applicants respectfully request reconsideration of the rejection of claims 4, 10, 16, 27 and 34 under 35 U.S.C. 103(a) as being unpatentable over Werp et al., U. S. Patent No. 5,931,818, in view of Viera, U. S. Patent No. 5,464,023. Applicants have amended claims 4, 10, 16, 27 and 34 to clarify that a plurality of magnets allow the guide wire to assume a particular shape under control of the magnetic field, as described e.g. in the Specification at page 13 lines 18-25. Each of claims 4, 10, 16, 27 and 34 recites a plurality of magnets on the distal end section of the guide wire in spaced apart relation. The Office Action concedes that Werp et al. fails to show a plurality of magnets. Viera, however, does not disclose a plurality of magnets on a flexible guide wire. The magnets disclosed in Viera are positioned on a rod of ferromagnetic material. There is no teaching or suggestion that the rod is flexible, and thus Viera does not teach or make obvious a plurality of magnets on the distal end section of a guide wire in spaced apart relation allowing the guide wire to assume a shape in response to a magnetic field.

Applicants therefore respectfully request that the rejection of claims 4, 10, 16, 27 and 34 under 35 U.S.C. 103(a) as being unpatentable over Werp et al., U. S. Patent No. 5,931,818, in view of Viera, U. S. Patent No. 5,464,023, be withdrawn.

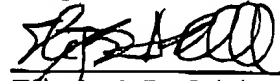
With respect to claims 3, 9, 15, 26 and 33, Examiner has indicated that these claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Thus amended claim 3 includes the limitations of base claim 1, amended claim 9 includes the limitations of base claim 7, and amended claim 15 includes the limitations of base claim

13. Amended claim 26 includes the limitations of base claim 23 and intervening claim 24, and amended claim 33 includes the limitations of base claim 31. Applicants respectfully submit that amended claims 3, 9, 15, 26 and 33 are in condition for allowance.

Applicants note the indication of allowable subject matter, and respectfully submit that upon entry of the above amendment, and consideration of the above remarks, all of the claims will be found in condition for allowance. A speedy allowance is therefore requested.

If it would advance the prosecution of this matter, Examiner is invited to telephone the undersigned.

Respectfully submitted,



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